

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 17447)
Issued on Application 23960)
SANTA YNEZ RIVER WATER)
CONSERVATION DISTRICT,)
Permittee.)

ORDER: WR 79-17
SOURCE: Santa Ynez River
COUNTY: Santa Barbara

ORDER DELETING PERMIT TERMS

BY THE BOARD:

1. On September 22, 1978, the Board issued Permit 17447 on Application 23960 to the Santa Ynez River Water Conservation District.
2. The United States Bureau of Reclamation (Bureau), Cachuma Conservation Release Board (CCRB), and California Department of Fish and Game (Department) had protested approval of Application 23960 as initially filed. The Department withdrew its protest upon agreement by the applicant to include specified terms.
3. During the environmental review of the proposed project, the applicant substantially changed its project and submitted an amended application. The Board issued an amended Notice of Application describing the modified project. The Bureau and CCRB again protested approval of the amended application; the Department did not file a protest. The Bureau and CCRB dismissed their protest for reasons not relevant here.

4. The Department and the applicant reviewed the impacts of the modified project during a field investigation on March 25, 1977. At that meeting the Department indicated that it approved of the modified project and that its previous protest could be ignored if the following conditions were met:

(a) the permittee minimized the disturbance of native vegetation during construction, and

(b) the permittee notified the Department when construction was to take place so it could have a representative present during construction.

5. Thereafter, Permit 17447 was issued and the permittee complied with the Department's conditions. However, neither the permittee nor the Department notified the Board of this modified agreement. Further, Permit 17447 contained the Department's protest withdrawal terms proposed in connection with the original application. Inclusion of these terms was inadvertent; they are not relevant to the modified, permitted project.

6. By a letter dated October 3, 1978, the permittee objected to the inclusion of the irrelevant terms (Permit Terms 13, 14, and 15) in Permit 17447. Permittee pointed out that those terms were appropriate for inclusion in a permit for the original project but that they were not appropriate for the modified project. By a letter dated November 14, 1978, the Department concurred and requested deletion of Permit Terms 13, 14, and 15 in Permit 17447.

7. The findings of the Board regarding the Final Environmental Impact Report in its Certificate of Review dated August 15, 1978, remain unchanged.

8. From the foregoing findings, the Board concludes that the inclusion of existing Permit Terms 13, 14, and 15 of Permit 17447 was inappropriate, that the inclusion of said terms was due to an oversight, that the Board has jurisdiction to delete said terms under Water Code Section 1359, that said permit terms should be deleted, and that existing Permit Terms 16 and 17 should be redesignated as Permit Terms 13 and 14, respectively.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit Terms 13, 14, and 15 of Permit 17447 are deleted. ✓
2. Permits Terms 16 and 17 of Permit 17447 are redesignated as Permit Terms 13 and 14, respectively.

Dated: JUNE 21, 1979

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ WILLIAM J. MILLER

William J. Miller, Member

/S/ L. L. MITCHELL

L. L. Mitchell, Member

Carla M. Bard, Member

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17447

Application 23960 of Santa Ynez River Water Conservation District
3622 Sagunto Street, Santa Ynez, California 93460

filed on January 6, 1972, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Santa Ynez River

Tributary to:

Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
California Coordinate System, Zone 5 Spreading Basin with Variable Points of Diversion					
From: X = 1,269,000; Y = 425,100	NE¼ of SW¼	35	7N	34W	SB
To: X = 1,264,100; Y = 435,100	SW¼ of SE¼	22	7N	34W	SB

County of Santa Barbara

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Municipal	Within the boundaries of the					
	City of Lompoc in Sections					
	2, 3 & 4	6N	34W	SB		
	27, 28, 29, 32, 33, 34 & 35	7N	34W	SB		
Irrigation	A net area of 8,000 acres					
	within the surface boundaries					
	of the groundwater basin in	6N	34W	SB		
		6N 7N	35W 34W	SB SB		
		7N	35W	SB		

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 40,000 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO UNDERGROUND STORAGE OUTSIDE OF THE SPECIFIED SEASON.

THE MAXIMUM RATE OF DIVERSION TO UNDERGROUND STORAGE SHALL NOT EXCEED 100 CUBIC FEET PER SECOND. (0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1981. (0000008)

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1988. (0000009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

11. PURSUANT TO CALIFORNIA WATER CODE SECTION 100, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

13. PERMITTEE SHALL COMPLY WITH SECTION 5931 OF THE FISH AND GAME CODE, WHICH STATES: "IF, IN THE OPINION OF THE COMMISSION, THERE IS NOT FREE PASSAGE FOR FISH OVER OR AROUND ANY DAM, THE DEPARTMENT SHALL CAUSE PLANS TO BE FURNISHED FOR A SUITABLE FISHWAY, AND ORDER IN WRITING THE OWNER OF THE DAM TO PROVIDE THE DAM, WITHIN A SPECIFIED TIME, WITH A DURABLE AND EFFICIENT FISHWAY, OF SUCH FORM AND CAPACITY AND IN SUCH LOCATION AS SHALL BE DETERMINED BY THE DEPARTMENT. SUCH FISHWAY SHALL BE COMPLETED BY THE OWNER OF THE DAM TO THE SATISFACTION OF THE DEPARTMENT WITHIN THE TIME SPECIFIED." (0000999)

14. IN ACCORDANCE WITH SECTION 6100 OF THE FISH AND GAME CODE, NO DIVERSION UNDER THIS PERMIT SHALL TAKE PLACE UNTIL THE DIVERSION FACILITY HAS BEEN ADEQUATELY SCREENED TO PREVENT THE LOSS OF STEELHEAD. THE CONSTRUCTION, OPERATION OR MAINTENANCE COSTS OF ANY SCREEN REQUIRED PURSUANT TO THIS STIPULATION SHALL BE BORNE BY THE PERMITTEE. (0000063)

15. FOR THE PROTECTION AND PRESERVATION OF WILDLIFE AND RIPARIAN VEGETATION, THE PERMITTEE SHALL BYPASS FLOW FROM JANUARY 1 TO DECEMBER 31 IN SUFFICIENT AMOUNT AS TO PROVIDE A MINIMUM SURFACE FLOW OF ONE CUBIC FOOT PER SECOND WITHIN THE SANTA YNEZ RIVER AS MEASURED AT THE EXISTING GAUGING STATION LOCATED AT THIRTEENTH STREET NEAR LOMPOC. THE TOTAL STREAMFLOW SHALL BE BYPASSED IF IT IS LESS THAN THE ABOVE STIPULATION. (0140060)

16. IN ORDER TO PREVENT DEGRADATION OF THE QUALITY OF WATER DURING AND AFTER CONSTRUCTION OF THE PROJECT, PRIOR TO COMMENCEMENT OF CONSTRUCTION PERMITTEE SHALL FILE A REPORT PURSUANT TO WATER CODE SECTION 13260 AND SHALL COMPLY WITH ANY WASTE DISCHARGE REQUIREMENTS IMPOSED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COASTAL REGION, OR BY THE STATE WATER RESOURCES CONTROL BOARD. (0000100)

17. NO WATER SHALL BE USED UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL COASTAL REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS OR HAS INDICATED THAT WASTE DISCHARGE REQUIREMENTS ARE NOT REQUIRED. THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. NO DISCHARGES OF WASTE TO SURFACE WATER SHALL BE MADE UNLESS WASTE DISCHARGE REQUIREMENTS ARE ISSUED BY A REGIONAL BOARD OR THE STATE BOARD. A DISCHARGE TO GROUND WATER WITHOUT ISSUANCE OF A WASTE DISCHARGE REQUIREMENT MAY BE ALLOWED IF AFTER FILING THE REPORT PURSUANT TO SECTION 13260:

- (1) THE REGIONAL BOARD ISSUES A WAIVER PURSUANT TO SECTION 13269, OR
- (2) THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS OF THE FILING OF THE REPORT.

NO REPORT OF WASTE DISCHARGE PURSUANT TO SECTION 13260 OF THE WATER CODE SHALL BE REQUIRED FOR PERCOLATION TO THE GROUND WATER OF WATER RESULTING FROM THE IRRIGATION OF CROPS. (0290101)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEPTEMBER 22 1978

STATE WATER RESOURCES CONTROL BOARD

Clint Whitney
CLINT WHITNEY, EXECUTIVE DIRECTOR
Chief, Division of Water Rights
WATER RIGHTS AND ADMINISTRATION